

**UNAPPROVED/UNOFFICIAL – MINUTES**

These minutes are DRAFT minutes and are posted here to comply with RSA 91-A:2. The Board has not voted to accept them. Changes may/may not be made prior to their adoption at the next Board meeting.

**NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD**

**DRAFT – Public Hearing & Regular Meeting – May 13, 2016**

**Attendance:**

Shawn Bergeron Sr., Chairman  
Thomas Clark, NH Municipal Association  
Stephen Eckberg, NH Public Utilities Commission  
Tedd Evans, Mechanical Licensing Board  
Wayne Fillion, PE, NH Board of Engineers (Mechanical Engineer)  
William Fraser, NH Electrical Contractors Business Association  
Edward J. Gibson, PE, NH Board of Engineers (Electrical Engineer)  
Frederick Matuszewski, Board of Architects  
Roger Maynard, P•FGF•HVAC of NH  
Linda McNair-Perry, Vice-Chair, NH Board of Engineers (Structural Engineer)  
Jonathan Mitchell, NH Bureau of Electrical Safety & Licensing  
Bradley Ober, NH Association of Fire Chiefs  
Wayne Richardson (Vice Chair), CBO, NH Building Officials Association  
Sean Toomey, NH Association of Fire Chiefs  
John Tuttle, AIA, NH Home Builders Association

**Absent:**

David Lage, Associated General Contractors of NH, Inc.  
Mariellen MacKay, Governor's Commission on Disability  
Roger Maynard, P•FGF•HVAC of NH

**Guests:**

Mary Maloney, Assistant Attorney General  
Dean Sotirakopoulos, Chief Electrical Inspector, NH Electrician's Board  
Chris Skoglund, NH Department of Environmental Services  
Laura Richardson, Jordan Institute  
Jerry Tepe, JRT-AIA Architect  
Mark Weissflog, ECBA  
Paul Leveille, Resilient Buildings Group  
Richard Minard, NH Office of Energy and Planning  
Matthew LaBonte, State Fire Marshal's Office  
Jim Grant, City of Rochester  
Brian Adams, Cornerstone Commissioning  
David Ely, AIA NH

The meeting was called to order at 10:00am by Chairman, Shawn Bergeron Sr. A quorum was declared. Members were introduced.

***NEW BUSINESS***

**Public Hearing on the proposed amendment to the 2009 International Building Code (IBC), Section [P] 2902.2 Separate Facilities – Exhibit No. BD-09-01-16**

Wayne Richardson made the MOTION to open the Public Hearing on Exhibit BD-09-01-16  
Seconded by Tedd Evans

Jerry Tepe: Both of these exhibits should be heard together. In reality this is just a change to the Plumbing Code, but carries over into the Building Code. [P] means the Plumbing Code controls this section, but it is duplicated into the Building Code. These two sections should be identical. This is saying you do not have to designate single occupancy toilets as male or female. Board member discussions followed. All toilet facilities, single occupancy or multiple occupancy, have to meet the general accessibility requirements but not the ambulatory requirement.

Public Hearing was closed.

Wayne Richardson made the MOTION that the Board adopt amendment BD-09-01-16.  
Seconded by John Tuttle  
Motion Carried

**Proposed Amendment to the 2009 International Plumbing Code (IPC) Section 403.2 Separate Facilities - Exhibit No. PL-09-02-16**

Wayne Richardson made the MOTION to open the Public Hearing on Exhibit PL-09-02-16  
Seconded by John Tuttle

Public Hearing was closed.

Wayne Richardson made the MOTION that the Board accept and approve amendment PL-09-02-16.  
Seconded by Fred Matuszewski  
Motion Carried

**Proposed Amendment to the 2015 International Energy Conservation Code (IECC), Section C406 Additional Efficiency Package Options, Exhibit No. EN-15-01-16**

Wayne Richardson made the MOTION to open the Public Hearing on Exhibit EN-15-01-16.  
Seconded by Tom Clark

Wayne Fillion: This is a new requirement under 2015, versus 2009. 2015 has enhanced requirements relative to energy efficiency, both in equipment and system wide. This measure says that one of 6 options based on capacities is chosen to go one step further towards energy conservation.

Bruce Buttrick provided the board with written testimony, opposing the passing of this amendment. Mr. Buttrick was not present to testify today.

Mark Weissflog, ECBA, testified against the board passing this amendment.

David Ely, Architect, Chair of the NH Environmental Guild which is the AIA Chapter of the Committee on the Environment, testified in opposition of the board passing this amendment. Mr. Ely is representing AIA of NH. Written testimony was distributed to board members.

Chris Skoglund, NH Environmental Services, gave testimony in opposition of both amendments. Written testimony was distributed to board members.

Laura Richardson, Jordan Institute, clarified that these amendments are for commercial buildings only – not residential. The long term goal of the State is to bring up energy efficiency for all buildings. State Buildings that are inefficient are costing all taxpayers a tremendous amount of money.

Paul Leveille, Resilient Buildings Group, provided the board with written testimony. Mr. Leveille is in opposition of the board approving this amendment.

Lengthy discussions followed testimony given.

Public Hearing closed.

John Tuttle made a MOTION to approve amendment EN-15-01-16 as written.

Seconded by Bill Fraser

**Amendment NOT approved** (12 opposed)

***Proposed Amendment to the 2015 International Energy Conservation Code (IECC), Section C408 System Commissioning, Exhibit No. EN-15-02-16***

John Tuttle made the MOTION to hear EN 15-02-16

Seconded by Fred Matuszewski

Brian Adams, Cornerstone Commissioning, requested clarification on this amendment. Wayne Richardson clarified that this amendment is to delete Section C408, commissioning, without substitution. The long standing benefits of commissioning a building far outweigh the costs. Commissioning supports building performance and occupant comforts. Commissioners participate in the design review process, which may reduce change orders when the building is being constructed.

David Ely, Architect, Chair of the NH Environmental Guild which is the AIA Chapter of the Committee on the Environment, testified again in opposition of the board passing this amendment. Mr. Ely is representing AIA of NH. AIANH is against this amendment because commissioning for large systems can significantly increase efficiency of the system by ensuring it is operating as designed at optimal performance levels. It also will reduce call-backs to adjust equipment and ensure uniformly comfortable environment. Written testimony was distributed to board members.

Jerry Tepe: One statement that was made in the justification for this is that it is not a life safety issue. While that can be argued, the code is responsible not just for life safety, but for health safety and welfare of the public.

Chris Skoglund, NH Environmental Services, gave testimony in opposition of both amendments. Written testimony was distributed to board members.

Laura Richardson of The Jordan Institute, and Paul Leveille of Resilient Buildings Group testified in opposition of this amendment. Written testimony was distributed.

Lengthy discussion among board members followed testimony.

Wayne Richardson moved to close the Public Hearing.

John Tuttle made the MOTION to adopt EN 15-02-16 as written

Seconded by ????????????

**Amendment NOT approved**

(1 abstention, 9 opposed)

***Public Hearing on proposed amendment to the 2009 International Building Code (IBC), Height & Area Table, Exhibit BD-09-02-16***

The purpose of this amendment is to reinstitute amendment BD-09-01-13, previously approved by the board on March 14, 2014.

Wayne Richardson made the MOTION to open the Public Hearing on Amendment BD-09-02-16.

Seconded by Tom Clark

Jerry Tepe gave brief history of the height and area table.

Public Hearing was closed.

Wayne Richardson made the MOTION to adopt BD-09-02-16.

Seconded by Tedd Evans

Motion Carried

***Discussion on SB 446 and HB 533 (as amended - #2016-1865s)***

SB 446 requires an application for permit to include only such additional data and information as is reasonably required by the building official to act on the application. This bill made it through the House and Senate, later to be Vetoed by Governor Hassan.

While consideration was being given to HB 533 (arc fault bill) the key sponsor of the original bill added it to the language of the arc fault bill. Within HB 533 as amended, they have added a new paragraph that says:

“1 New Paragraph; State Building Code Review Board; Permit Application. Amend RSA 155-A:10 by inserting after paragraph VI the following new paragraph:

VI-a. Any rule adopted by the state building code review board based on section R105.3 of the 2009 edition, or a later edition, of the International Residential Code shall require an application for permit to include only such additional data and information as is reasonably required by the building inspector to act on the application.

Senate voted Ought to Pass w/amendment 1865s on 5/5/16.

Chairman Bergeron requested that the board discuss this as is necessary and the board take a formal vote to make a recommendation to the Governor as to what should be done with this bill. The Governor has the option of sign this bill into law or veto it. Chairman's concern is both the arc-fault portion of this and the building permit application information part of this are both items that should be addressed during BCRB meetings, not at the legislature.

The board made the amendment to the arc-fault so it is felt that the board should send forth to the Governor a letter stating the board's position.

Tom Clark made the MOTION that the BCRB is not in favor of HB 533 as amended. However, should the bill pass we would ask Governor Hassan to veto the bill.

Seconded by Tedd Evans

Motion Carried

***Subcommittee update on Bcr 100 and Bcr 200 rules.***

Linda has no new update. Attorney Maloney and Attorney Hiltz have not yet made contact to discuss.

***Continued discussion on website updates***

Cindy needs to get approve amendments posted on the website.

***Discuss update to Bcr 300 rules***

Will need to be revamped to include approved amendments.

**OTHER BUSINESS**

***Update of Subcommittee on RSA 155-D, Energy Conservation in New Building Construction***

Stephen Eckberg – subcommittee to produce new draft of RSA 155-D has met. Noticed meeting and minutes of meeting have been forwarded to Cindy.

***The Board will be taking a summer hiatus for the months of June, July and August.***

***The next scheduled meeting of the board will be Friday, September 9 @ 10:00am.***

It was noted that since this is the last Board's meeting until September, this meeting would be the last for both Linda McNair-Perry and Jonathan Mitchell.



MEETING ADJOURNED

DRAFT